

HOUSE BILL 3880

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to various diversion programs in criminal
cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-15-105(a)(1)(B)(i), is amended by deleting subdivision (c) in its entirety and by substituting instead the following language:

(c) The offense for which the prosecution is being suspended is not a Class A or Class B felony or a Class C felony as defined in subdivision (a)(1)(B)(iii), a Class E felony as defined in subdivision (a)(1)(B)(iv), a sexual offense, driving under the influence of an intoxicant as prohibited by § 55-10-401, or vehicular assault as prohibited by § 39-13-106.

SECTION 2. Tennessee Code Annotated, Section 40-15-105(a)(1)(B), is amended by adding the following language as new subdivision (iv):

(iv) As used in subdivision (a)(1)(B)(i)(c), "Class E felony" means conduct which constitutes:

(a) Animal fighting not involving a cock, as described in § 39-14-203(a)(1), (2) or (3);

(b) Aggravated cruelty to animals, as described in § 39-14-212(a); or

(c) A criminal offense against animals, as described in § 39-14-214(a).

SECTION 3. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i), is amended by deleting subdivision (b) in its entirety and by substituting instead the following language:

(b) Is not seeking deferral of further proceedings for a sexual offense, a violation of § 71-6-117 or § 71-6-119, a Class A or Class B felony; or a Class E felony as defined in subdivision (a)(1)(B)(iii); and

SECTION 4. Tennessee Code Annotated, Section 40-35-313(a)(1)(B), is amended by adding the following language as new subdivision (iii):

(iii) As used in subdivision (a)(1)(B)(i)(b), "Class E felony" means conduct which constitutes:

(a) Animal fighting not involving a cock, as described in § 39-14-203(a)(1), (2) or (3);

(b) Aggravated cruelty to animals, as described in § 39-14-212(a); or

(c) A criminal offense against animals, as described in § 39-14-214(a).

SECTION 5. This act shall take effect July 1, 2008, the public welfare requiring it.